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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,578	09/28/2001	Shigeyuki Okada	011281	2395

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EXAMINER

TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/964,578

Applicant(s)

OKADA ET AL.

Examiner

Trang U. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-18 is/are pending in the application.
- 4a) Of the above claim(s) 5-8 and 10-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,9 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed March 02, 2005 have been fully considered but they are not persuasive.

In re pages 10-12, applicants argue, with respect to claim 1, that Minami fails to disclose the newly added limitation "a control unit for determining whether it is possible or impossible to generate said image signal in accordance with said first image coded data based on a determination as to whether an amount of said first image coded data extracted by said first tuning unit has reached a certain amount that allows a normal reproduction" of claim 1 because, although Minami refers to the point that the waiting time is required to collect a sufficient amount of data (column 9, lines 21-26), Minami does not specifically disclose how to terminate the waiting time.

In response, the examiner respectfully disagrees. As recognized by applicants that that the waiting time is required to collect a sufficient amount of data. The sufficient amount of data is enough to anticipate the claimed limitation "a control unit for determining whether it is possible or impossible to generate said image signal in accordance with said first image coded data based on a determination as to whether an amount of said first image coded data extracted by said first tuning unit has reached a certain amount that allows a normal reproduction" and the terminating of the waiting time is not needed in rejecting of claim 1.

In re pages 12-13, applicants argue that, with respect to claim 18, that Minami does not disclose monitoring the status of image coded data with an image data

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decoding unit because Minami do not show a connection between the main receiving unit 25 and the decoding unit 37 such as that shown between the TS decoder 16a and the MPEG video decode unit 20 in Fig.1 but generally discusses that when a "waiting time" is over, reception and output of a selected channel is carried out using a main receiving unit.

In response, the examiner respectfully disagrees. It is noted that claim 18 recites that "said first image data decoding unit monitors the generation status of said first image coded data by said first tuning unit" and "said control unit receives information indicating whether said amount of said first image coded data extracted by said first tuning unit has reached said certain amount, from said first image decoding unit". Minami discloses that a certain amount of time after the start of receiving the newly selected channel is required before the received signal can be output because it is necessary to wait for sufficient data for rearranging the interleave to be collected in col. 9, lines 15-26. From the above passage, it is clear that the image data decoding unit of Minami monitors the sufficient data and the control unit of Minami receives information (sufficient data) indicating whether said amount of said first image coded data extracted by said first tuning unit has reached said certain amount, from said first image decoding unit.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4, 9 and 18 are rejected under 35 U.S.C. 102(e) as being anticipate by Minami (US Patent No. 6,710,816 B1).

In considering claim 1, Minami discloses all the claimed subject matter, note 1) the claimed a first tuning unit for extracting from said airwaves first image coded data that corresponds to said desired channel is met by the main receiving unit 25 which receives the program of the channel selected by a user (selected channel) (Figs. 4-5, col. 8, lines 1-26 and col. 12, lines 35-46), 2) the claimed a second tuning unit for successively selecting one of said plurality of channels as a background channel and extracting from said airwaves second image coded data that corresponds to said background channel is met by the sub-receiving unit 27 which receives the channels other than the channel selected by the user (unselected channel) (Figs. 4-5, col. 8, lines 1-26 and col. 12, lines 35-46), 3) the claimed a data storage unit for storing said second image coded data that correspond to the respective ones of said plurality of channels is met by the memory 33 (Fig. 4, col. 8, lines 24-35 and col. 12, lines 35-46), 4) the claimed a first image decoding unit for receiving and decoding one of said first image coded data and said second image coded data to generate an image signal for image display is met by the decoding unit 37 (Fig. 4, col. 8, lines 27-41), 5) the claimed a control unit for determining whether it is possible or impossible to generate said image signal in accordance with said first image code data based on a determination as to

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whether an amount of said first image coded data extracted by said first tuning unit has reached a certain amount that allows a normal reproduction is met by the control unit 41 which determines whether it is possible or impossible to generate an image signal based on selected channel from the main tuner (waiting time for reception period) (Figs. 4-5, col. 8, line 27 to col. 11, line 22 and col. 12, lines 35-46), and 6) the claimed wherein said first image data decoding unit receives and decodes said second image coded data from said data storage unit to generate said image signal for image display when said image display based on said first image coded data is impossible in accordance with the determination of said control unit is met by the decoding unit 37 which decodes the received signal from the memory 33 during a period corresponding to the waiting time (Figs. 4-5, col. 8, line 27 to col. 11, line 22 and col. 12, lines 35-46).

In considering claim 2, Minami discloses all the claimed subject matter, note 1) the claimed further comprising: a first data selecting unit for receiving said first image coded data from said first tuning unit and said second image coded data from said data storage unit corresponding to said desired channel and selectively outputting one of said first image coded data and said second image coded data according to the determination of said control unit is met by the switch 35 (Fig. 4, col. 9, lines 28-67), and 2) the claimed wherein said first image data decoding unit decodes an output from said first data selecting unit to generate an image signal is met by the decoding unit 37 which decodes the received signal from the memory 33 during a period corresponding to the waiting time (Figs. 4-5, col. 8, line 27 to col. 11, line 22).

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In considering claim 4, the claimed wherein when switching of said desired channel by a user is detected, said control unit sets an output from said first data selecting unit to said second image coded data until generation of said image signal based on said first image coded data in said first image data decoding unit becomes possible, and from a time when the generation of said image signal becomes possible, switches the output from said first data selecting unit, from said first image coded data to said second image coded data is met by the control unit 41 which changes over the switch 35 to the side of the memory 33 for a program on different channel and the received signal is input to the decoding unit 37 which decodes the received signal from the memory 33 until the waiting time has elapsed (Figs. 4-5, col. 8, line 27 to col. 11, line 22).

In considering claim 9, the claimed wherein said control unit successively updates selection of said background channel in a constant cycle is met by the reception period (col. 8, line 60 to col. 9, line 27).

In considering claim 18, Miami discloses all the claimed subject matter, note 1) the claimed said first image data decoding unit monitors the generation status of said first image coded data by said first tuning unit is met by is met by the decoding unit 37 (Fig. 4, col. 8, lines 27-41), and 2) the claimed said control unit receives information indicating whether said amount of said first image coded data extracted by said first tuning unit has reached said certain amount, from said first image decoding unit is met by the control unit 41 which determines whether it is possible or impossible to generate

an image signal based on selected channel from the main tuner (waiting time for reception period) (Figs. 4-5, col. 8, line 27 to col. 11, line 22).

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT   
June 8, 2005

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
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